

**REMARKS**

Claims 1-4, 6, 7, 10 and 11 are all the claims pending in the application. Claims 5, 8 and 9 have been canceled.

The Examiner has previously rejected the subject matter of claim 1 (which was claim 9) under 35 U.S.C. § 103(a) as being unpatentable over Sullivan in view of Shimosaka et al. (US 5,816,937) ["Shimosaka"]. For at least the following reasons, Applicants traverse the rejection.

The Examiner concedes that Sullivan fails to disclose the claimed "intermediate layer [having] a Shore D hardness of 56 to 58", but applies Shimosaka to allegedly cure the deficiency. The Examiner contends Shimosaka discloses a golf ball with an intermediate layer having a Shore D hardness not less than 55. The Examiner also contends that it would have been obvious for one skilled in the art to combine the references because Shimosaka discloses that this hardness range would improve flight distance.

The solid golf ball of Sullivan has the three piece construction (see Fig. 2) consisting of a core 10, an inner layer 14 and an outer layer 16, whereas the golf ball of Shimosaka has the four piece construction having an innermost layer 3 enclosing the core 1 (solid or liquid), an intermediate layer 4 and the outermost layer 5 (see Fig.3 of Shimosaka). The cover disclosed in Shimosaka has a so-called sandwich construction in hardness distribution wherein the intermediate layer 4 having highest Shore D hardness (not less than 55) is positioned between the innermost layer 3 having lower Shore D hardness (less than 55) and the outermost layer 5 having lower hardness Shore hardness (less than 55). The cover having the sandwich construction disclosed in Shimosaka is far from the golf ball disclosed in Sullivan. Thus, Applicants submit

that there is a fundamental difference the ball structures and one skilled in the art would not have combined the refereces as suggested by the Examiner.

In addition, Sullivan discloses that the inner cover layer, which the Examiner contends is the claimed intermediate layer, has a Shore D hardness of 60 or more and preferably with a hardness of 65 or more (col. 6, line 65 to col. 7, line 1). Sullivan discloses that the hardness of the ball is a principal property and a hard inner layer provides for a substantial increase in resilience (inproved travel distance) (col. 6, lines 15-45). Thus, Sullivan teaches away from providing a Shore D hardness of less than 60 for the inner cover layer of a golf ball.

Therefore, Applicants submit that, even if the teachings of fundamentally different golf balls can be combined as speculated by the Exmainer, Sullivan discloses that applying the teachings of Shimosaka to a golf ball in Sullivan to be within the claimed Shore D hardness range for the claimed intermediate layer would degrade the travel distance of the Sullivan golf ball, not improve it as contended by the Examiner. Accordingly, Applicants submit that one skilled in the art would not have combined the teachings of Sullivan and Shimosaka.

Further, even if, for the sake of argument alone, the references were combined, the combined teachings would still fail to teach or suggest at least the claimed relationship between the intermediate layer and the cover ( $[G_1/(G_1+G_2)] \times 100 \geq 45\%$ ). The Examiner concedes that Sullivan does not disclose the claimed relationship but then contends that, by selectively picking values from Sullivan's broad ranges, this feature can be satisfied because Sullivan allegedly discloses an inner cover layer (14) with a thickness of 0.01-0.1 inch (0.254-2.54 mm) and an outer cover layer (16) with a thickness of 0.01-0.1 inch (0.254-2.54 mm).

Applicants submit that the description merely suggests the general range of the gage of the cover layers. In contrast, the claimed intermediate layer and the claimed cover are each defined by a Shore D hardness range and a gage range which provide advantageous characteristics to the intermediate layer and the cover layer. In addition, the gage  $G_1$  of the intermediate layer and the gage  $G_2$  of the cover are further defined by the relationship,  $[G_1/(G_1+G_2)] \times 100 \geq 45\%$ , in order to achieve the inventive objects of the present invention. Thus, Applicants submit that the gage as defined by the concepts of the present invention differ from those of Sullivan.

Simosaka does not disclose or suggest the claimed relationship because Shimosaka has three covers and, therefore, cannot disclose the advantageous characteristics of providing the combination of the claimed intermediate layer gage  $G_1$  with the claimed cover gage  $G_2$  as set forth in claim 1.

Accordingly, Applicants submit that Sullivan and Simosaka (alone or in combination) do not disclose or suggest at least this feature.

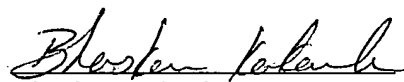
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.114(c)  
U.S. Serial No. 09/891,654

Attorney Docket No.: Q65201

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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